

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and objections, and further examination are requested.

Claims 1-43 were pending in this application. Claims 1-43 stand rejected, claims 7-15, 17, 18, 23 and 39 are amended herein, claims 1-6, 16, 19-22, 24-38 and 40-43 are canceled herein, and claims 44-47 are added herein. Thus, claims 7-15, 17, 18, 23, 39 and 44-47 are currently pending in this application. No new matter has been added.

The specification and abstract have been carefully reviewed and revised to make grammatical and idiomatic improvements in order to aid the Examiner in further consideration of the application. Amendments to the specification are contained herein. Moreover, a substitute Abstract including revisions has been prepared and is submitted herewith. Also submitted herewith is a marked-up copy of the Abstract indicating the changes incorporated therein. No new matter has been added.

Claims 30-43 have been rejected under 35 U.S.C. § 101 on the basis that the claimed inventions are directed towards non-statutory subject matter. Claims 30-43 are cancelled herein, thus rendering the 35 U.S.C. § 101 rejection of these claims moot.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 101 rejection of claims 30-43 be withdrawn.

Claim 30-43 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 30-43 are cancelled herein, thus rendering the 35 U.S.C. § 112 rejection of these claims moot.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of claims 30-43 be withdrawn.

Claims 1-43 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Negawa (U.S. Patent No. 7,055,030) (hereinafter referred to as “Negawa”).

New independent claims 44-47 have been drafted to distinguish over the references cited by the Examiner. Support for the subject matter recited in claims 44-47 can be found at least in Figure 12(d), and in the specification at page 20, lines 2-11.

The above rejections are submitted to be inapplicable to new claim 44 for the following reasons.

Claim 44 recites a content usage management system including, in part, a client apparatus that includes a usage control data receiving unit operable to receive usage control data including a key used for reproduction of the distributed content from at least one distribution server. Moreover, claim 44 recites a usage control data distribution unit operable to (a) distribute usage control data by a unicast distribution method where the usage control data is distributed in response to a request from a client apparatus, when a number of reproduction times of the content is limited, and (b) distribute the usage control data to a plurality of client apparatuses including the client apparatus by a multicast distribution method where the usage control data is distributed to the plurality of client apparatuses simultaneously at a predetermined distribution time, when the number of reproduction times of the content is not limited.

In contrast to the present invention, Negawa does not disclose determining whether to unicast or multicast usage control data including a key, based on a number of reproduction times of content. Instead, Negawa discloses IP multicasting data through the Internet and unicasting encrypted group session keys Kgrx to clients through the Internet (see col. 7, lines 15-20). It should be understood that the “data” described in Negawa corresponds to the “content” recited in claim 44, and that the “groups session keys Kgrx” described in Negawa correspond to the “key” as recited in claim 44. Moreover, there is no suggestion or disclosure to modify Negawa to determine to unicast or multicast usage control data including a key, based on a number of reproduction times of content.

In other words, Negawa does not disclose *a client apparatus that includes a usage control data receiving unit operable to receive usage control data including a key used for reproduction of the distributed content from at least one distribution server. Moreover, Negawa does not disclose a usage control data distribution unit operable to (a) distribute usage control data by a unicast distribution method where the usage control data is distributed in response to a request from a client apparatus, when a number of reproduction times of the content is limited, and (b) distribute the usage control data to a plurality of client apparatuses including the client apparatus by a multicast distribution method where the usage control data is distributed to the*

plurality of client apparatuses simultaneously at a predetermined distribution time, when the number of reproduction times of the content is not limited, as recited in claim 44.

Each of claims 45-47 similarly includes distributing usage control data by a unicast distribution method where the usage control data is distributed in response to a request from a client apparatus, when the number of reproduction times of the content is limited, and distributing the usage control data to a plurality of client apparatuses including the client apparatus by a multicast distribution method where the usage control data is distributed to the plurality of client apparatuses simultaneously at a predetermined distribution time, when the number of reproduction times of the content is not limited.

For at least the reasons discussed above, it is believed clear that Negawa fails to disclose or suggest the present inventions as recited in claims 44-47. Therefore, claim 44 and claims 7-15, 17, 18 and 23 depending therefrom, claim 45, claim 46 and claim 39 depending therefrom, and claim 47 are not anticipated under 35 U.S.C. § 102(b) by Negawa, and no obvious modification of Negawa would result in or otherwise render obvious the invention recited in claims 44-47.

Claims 2-5 and 26-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Negawa in view of Doty, Jr. (U.S. Patent No. 6,795,869) (hereinafter referred to as “Doty”).

Claims 2-5 and 26-29 are cancelled herein, thus rendering the rejection of these claims under 35 U.S.C. § 103(a) moot.

Moreover, regarding the combination of Negawa and Doty, Doty is relied upon in the rejection as teaching “a smart server determining a video server to multicast content based upon many factors including format, compression method etc.” However, it is clear that Doty also fails to disclose or suggest the above-discussed features of the interpolation frame generating device recited in claim 44.

For at least the reasons set forth above, it is believed clear that claims 44-47 are not anticipated by Negawa under 35 U.S.C. § 102(b). Furthermore, for at least the reasons set forth above, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would not have found it obvious to modify Negawa under 35 U.S.C. § 103(a) in such a manner as to result in the inventions of claims 44-47. Therefore, it is respectfully submitted

that claim 44 and claims 7-15, 17, 18 and 23 depending therefrom, claim 45, claim 46 and claim 39 depending therefrom, and claim 47, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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